

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE TWELFTH JUDICIAL CIRCUIT
COUNTY OF FLORENCE)	CASE NUMBER: 2022-CP-21-_____
)	
Jacquelyn Stewart,)	
)	
Plaintiff,)	
)	
v.)	SUMMONS
)	
South Carolina CVS Pharmacy,)	
L.L.C.,)	
)	
Defendant.)	
_____)	

TO: THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint on the subscriber at 205 N. Irby Street, Florence, South Carolina, within thirty (30) days from the service hereof, exclusive of the date of such service; and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

s/ E. Guy Ballenger
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S.C. BAR NUMBER 72499
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Florence, South Carolina
July 27, 2022

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE TWELFTH JUDICIAL CIRCUIT
COUNTY OF FLORENCE)	CASE NUMBER: 2022-CP-21-_____
)	
Jacquelyn Stewart,)	
)	
Plaintiff,)	
)	
v.)	COMPLAINT
)	
South Carolina CVS Pharmacy,)	
L.L.C.,)	
)	
Defendant.)	
_____)	

The plaintiff, complaining of the defendant herein, would respectfully allege and show unto this Honorable Court as follows:

1. The plaintiff is a citizen and resident of the County of Florence, State of South Carolina.

2. The defendant South Carolina CVS Pharmacy, L.L.C., upon information and belief, is a corporation organized and existing under the laws of the state of South Carolina, and the defendant maintains business locations in Florence County, South Carolina and thereby employs agents and servants and conducts business in Florence County, South Carolina. The defendant owns, possesses, operates and is responsible for the physical condition of the premises located at 3306 W. Palmetto Street, Florence, SC 29501, also known as store number 7609. Said location is commonly referred to as CVS, CVS Pharmacy or CVS Pharmacy on Palmetto Street.

4. This is an action for personal injury by way of premises liability. This Court has personal jurisdiction over the parties

and subject matter. Venue is proper in Florence County, South Carolina.

FOR A FIRST CAUSE OF ACTION
(Negligence/Premises Liability)

5. That each and every allegation set forth herein above is repeated, re-alleged, re-asserted and incorporated herein as if set forth fully, verbatim.

6. On August 24, 2021, the plaintiff entered the defendant's premises for the purpose of purchasing prescription medication. The plaintiff was on the premises for the mutual benefit of both parties and to purchase goods, specifically prescription medication, from the defendant. Therefore the plaintiff, while on the defendant's premises for the purposes as described above, maintained the status of a business invitee.

7. While on the defendant's premises and while exiting the premises through the main, and only, public entrance/exit way, the defendant tripped upon the flooring in the door way, more commonly referred to as the "door sill." The plaintiff tripped and fell due to the fact that the flooring and/or door sill was unduly and improperly raised and created a trip and fall hazard for the plaintiff and all of those persons similarly situated as the plaintiff, specifically, elderly, with decreased mobility, and at an increased risk for tripping and falling due to any type of defect in the premises condition.

8. The defendant knew or should have known that the condition of the door sill and floor at the only entrance and exit

to the store was in such a condition that posed a significant and unreasonable risk of danger to the plaintiff and other business invitees located upon the premises.

9. The defendant and their employees, servants and agents acted in a negligent, grossly negligent, reckless, willful and wanton manner in failing to maintain the premises in a safe condition and the injuries and damages sustained by the plaintiff were directly and proximately caused and occasioned by the willful, wanton, reckless, careless, negligent and unlawful conduct on the part of the defendant and breach of duty by the defendant, in one or more of the following particulars:

- (a) In failing to maintain, construct and design the premises floor/door sill in such a manner that the flooring and the door sill to the entrance/exit way was not unduly and dangerously raised;
- (b) In failing to give proper warning of the dangerous condition;
- (c) In creating the dangerous conditions and by failing to remedy the same after actual or constructive notice;
- (d) In failing to maintain the premises in an otherwise safe condition considering the conditions then and there existing;
- (e) In failing to adhere to the applicable regulations and codes relating to premises maintenance, specifically, as to flooring and door sills, and further specifically, in failing to adhere to the applicable regulations and codes as to the maintenance, construction and design of entrance and exit ways;
- (f) In such other and further ways as may be determined as the case progress and discovery is undertaken.

10. That as a direct and proximate cause of the defendant's

breach of duty to the plaintiff/business invitee and the defendant's negligence, willfulness, wantonness and recklessness and gross negligence, the plaintiff has suffered the following actual damages;

- (a) The plaintiff was confined to the care and treatment of skilled medical practitioners, that plaintiff was treated by such persons and may continue to receive treatment from them in the future; that Plaintiff has expended large sums of money for such treatment and may be obligated to expend even more money in the future for such care and treatment;
- (b) The plaintiff was hindered and prevented, and in the future may be hindered and prevented, from transacting and attending to Plaintiff's necessary and lawful affairs since the date of the incident and loss, and was deprived from various salaries, pleasures, advantages and earning capacities which Plaintiff would have otherwise been derived and acquired;
- (c) The plaintiff was in the past, present and may continue to be in the future be put to great expense for medicine and drugs;
- (d) The plaintiff has expended large sums of money in the past and present for transportation to and from the doctor's office and hospitals and will continue to have such expense in the future;
- (e) The plaintiff has suffered permanent impairment and disability as a result of the accident;
- (f) The plaintiff has been put to great expense in relocation and moving costs caused by her disability, which has required her to relocate to a new physical residence due to an inability to care for herself since the accident, and the plaintiff has incurred further necessary expenses and costs in caring for, and sustaining herself, since she is no longer able to do so without assistance from others;
- (g) The plaintiff suffered pain, suffering, loss of enjoyment of life and other emotional distress.

WHEREFORE, the plaintiff respectfully prays for judgment

against the defendant as follows;

1. As to the FIRST CAUSE OF ACTION, for actual damages in an appropriate amount, plus the costs and expenses of this action, and;
2. For such other and further relief as this Court deems just and proper.

BARTH, BALLENGER AND LEWIS, L.L.P.

s/ E. Guy Ballenger
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Florence, South Carolina
July 27, 2022

(Jury Trial Demanded)

